

Message

From: Fields, Jenifer [fields.jenifer@epa.gov]
Sent: 7/10/2020 10:31:01 AM
To: Melvin, Karen [Melvin.Karen@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]; Rogers, Rick [rogers.rick@epa.gov]; Pratt, Stacie [Pratt.Stacie@epa.gov]
Subject: FW: USEPA Call
Attachments: CBH2OPP_Fianl Response to EPA Comments_11-9-18_CRW (002).pdf

I reached out to CRW to see how what they interpreted to mean 85% capture at each overflow. See below. Please schedule some time for discussion before our next meeting with them. We will need a concise response.

Thanks,
Jen

Jenifer Fields, Chief of Staff
EPA Region 3 (3RA00)
1650 Arch St
Philadelphia, PA 19103
Phone (215) 814-3165
Fax (215) 814-2901

From: Charlotte Katzenmoyer <Charlotte.Katzenmoyer@capitalregionwater.com>
Sent: Tuesday, July 7, 2020 4:29 PM
To: Fields, Jenifer <fields.jenifer@epa.gov>
Subject: FW: USEPA Call

Jenifer,
Here is our answer to your question posed to me on our phone call earlier this morning.

The requirement was contained within the July 6, 2018 comment letter from EPA, specifically within comments 26c and 26d (see attached), and in statements made by EPA consultants.

In Comment 26c, EPA criticized the Baseline LoC within the CBH₂OPP for not providing a consistent percent capture or activation frequency across the individual CSOs within a given Planning Area. The comment went on to list the CSO activation frequency of the individual regulator structure with the lowest LoC within each Planning Area. The comment went on to say that, *"However, an average activation frequency is not a useful metric. The activation rate for a waterbody or a portion of a waterbody is the number of times one or more CSOs activate."*

In Comment 26d, EPA further emphasized the point. For individual planning areas where the Baseline LoC achieved an **average** of 85% capture, the CBH₂OPP made it a low priority to provide additional control projects and increase the capture even farther. EPA responded as follows: *"This is inappropriate given bacteria as a pollutant of concern in both direct receiving waters and the 1994 CSO Control Policy requires the presumption be reasonable that 85% capture will result in meeting the water quality-based requirements of the CWA"*.

In initial face to face meetings, EPA technical consultant Mark Klingenstein emphasized that the effective LoC for a plan or alternative should be based upon the worst performing outfall and not the average CSO statistics over a planning area.

That is why we calculated 85% capture at each regulator structure/CSO outfall.

I hope this clarifies this matter. Enjoy your evening.

Charlotte Katzenmoyer | Chief Executive Officer
888-510-0606 | 717-216-5308 (o)



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